

REMARKS

This application has been amended in a manner that is believed to place it in condition for allowance at the time of the next Official Action.

Claims 1-9 have been canceled. Claims 10-17 have been added. Support for new claims 10-17 may be found generally throughout the specification and in the original claims.

In the outstanding Official Action, applicant respectfully submits that the outstanding Official Action fails to satisfy its burden in showing that the present application is not entitled to the benefit of the filing date of the Latvian patent application P-02-179, filed on October 3, 2002. Indeed, the Official Action fails to identify any recitations set forth in claims 1-3 that are allegedly not supported by that application. Accordingly, applicant maintains that claims 1-3 and the present application are entitled to the filing date of the Latvian patent application.

Claims 1-9 were rejected under 35 USC 112, second paragraph, for allegedly being indefinite. Applicant believes that the present amendment overcomes this rejection.

Claims 1-9 have been canceled. Applicant respectfully submits that new claims 10-17 have been drafted in a manner so as to overcome this rejection.

Claims 1-9 were rejected under 35 USC 103(a) as allegedly being unpatentable over BOBRY SHEV in view of JAMNIKOV. This rejection is traversed.

As the Examiner is aware, vodkas in general comprise a mixture of water and alcohol. However, there are many different types of vodkas. These vodkas range from relatively cheap products to very luxurious products, with each having a specific odor and taste. Ever since the first vodka has been produced, vodka manufacturers have been trying to improve the organoleptic parameters of vodka by adding constituents to the vodka to affect the organoleptic parameters of the vodka. However, the use of constituents also affects the purity of the vodka. When a large number of constituents are added to vodka, it appears to affect the taste negatively, whereas when not enough constituents are added, one fails to improve the taste of the vodka to a satisfactory level.

The vodka of claim 10 is a composition having specific amounts of sugar, bicarbonate, and extract of flax seed. Only minor amounts of impurities are present. This tailoring of the vodka results in an unexpectedly high quality specialty vodka with strong organoleptic parameters. It is believed that these low amounts of impurities in combination with the addition of flax seed extract and bicarbonate as set forth in the claimed invention, results in the desired product. None of the cited

documents, alone or in combination, suggests the composition of claim 10.

The vodka disclosed by BOBRY SHEV does not contain bicarbonate, nor does it disclose the low levels of impurities as recited in the claims. BOBRY SHEV merely discloses the use of rectified ethyl alcohol "LUKS" and drinking water as a starting material for vodka. Flax seed extract may be added as a flavor.

In an effort to remedy the deficiencies of BOBRY SHEV for reference purposes, the Official Action cites to JAMNIKOV. The vodka disclosed by JAMNIKOV does not contain the recited amount of bicarbonate or flax seed extract. The publication also fails to suggest the recited amounts of impurities.

As to the process, the process for preparing vodka of new claim 12 comprises deep freezing a solution of water and absolute vodka to a temperature of  $-10^{\circ}\text{C}$  to  $-15^{\circ}\text{C}$ , which results in a separation of impurities from the water-alcohol solution. These impurities are subsequently removed by filtering the solution. This results in improved organoleptic parameters for the vodka.

However, the process of JAMNIKOV does not feature a deep freezing step beyond  $-10^{\circ}\text{C}$ . Because certain impurities do not separate from the solution during this cooling step of JAMNIKOV, these impurities will not be filtered out.

Moreover, according to the present invention, the solution is treated with activated coal followed by filtration

prior to deep freezing. This activated coal filtration results in a pre-purification of the water-alcohol solution not taught by JAMNIKOV. Rather, to obtain a low amount of impurities in the alcohol, JAMNIKOV utilizes a rectified spirit.

Thus, the process of JAMNIKOV does not feature a deep-freezing step following a pre-treatment step of the water-alcohol mixture.

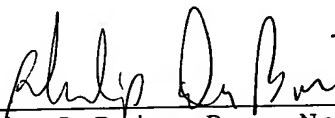
Accordingly, applicant respectfully requests that the rejection be withdrawn.

In view of the present amendment and the foregoing Remarks, therefore, applicant believes that the present application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

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